

Jeremy V. Pinson  
 Name  
8607 SE Flowermound Rd.  
Lawton, OK, 73501  
 Address

**FILED**

SEP 08 2005

ROBERT D. DENNIS, CLERK  
 U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
 DEPUTY

UNITED STATES DISTRICT COURT  
 FOR THE WESTERN DISTRICT OF OKLAHOMA

Jeremy Pinson, Plaintiff  
 (Full Name)

v.

David Miller, Defendant (s)  
Ron Ward

**CIV - 05-1047-F**

(To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT  
 PURSUANT TO 42 U.S.C.  
 §1983

A. JURISDICTION

- 1) Jeremy Pinson, is a citizen of OKLAHOMA  
 (Plaintiff) (State)  
 who presently resides at 8607 SE Flowermound Rd.  
Lawton, OK, 73501  
 (Mailing address or place of confinement)
- 2) Defendant David Miller is a citizen of  
 (Name of first defendant)  
Lawton, Oklahoma, and is employed as  
 (City, State)  
Warden. At the time the claim(s)  
 (Position and title, if any)  
 alleged in this complaint arose, was this defendant acting under color of  
 state law? Yes ☒ No ☐. If your answer is "Yes", briefly explain:  
Defendant Miller abused and neglected  
powers possessed by virtue of state law.

- 3) Defendant Ray Ward is a citizen of Oklahoma City, Oklahoma, and is employed as Director - Dept. of Corrections At the time the claim(s) alleged in this complaint arose was this defendant acting under color of state law? Yes ☒ No ☐ If your answer is "Yes", briefly explain: Defendant abused and neglected powers possessed by virtue of state law.

(Use the back of this page to furnish the above information for additional defendants.)

- 4) Jurisdiction is invoked pursuant to 28 U.S.C. §1343(3); 42 U.S.C. §1983. (If you wish to assert jurisdiction under different or additional statutes, you may list them below.)

#### B. NATURE OF THE CASE

- 1) Briefly state the background of your case.  
Plaintiff was transferred from the Cimarron Correctional Facility to the Lawton Correctional Facility on 5-4-05 following the Plaintiff's request for protection from the Universal Aryan Brotherhood a prison gang. On 5-30-05 Plaintiff was raped and beaten by 3 members of the aforementioned gang Jack Roth, Chad Brown and Randall Bowden. On 6-1-05 the Plaintiff requested protection from these gang members and was refused the Permanent placement into protective custody and is currently housed in dangerous conditions.

### C. CAUSE OF ACTION

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary you may attach up to two additional pages (8½" x 11") to explain any allegation or to list additional supporting facts.)

A) (1) Count I: 8th Amendment of the U.S. Constitution.

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and date. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

① Defendants had a legal obligation to protect the Plaintiff but failed to take action to protect the Plaintiff as a transfer to a new prison or permanent P.C. unit would have warranted.

B) (1) Count II: N/A

(2) Supporting Facts:

N/A

C) (1) Count III: N/A  
\_\_\_\_\_  
\_\_\_\_\_

(2) Supporting Facts:

N/A

**D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF**

- 1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment? Yes ☐ No ☒ If your answer is "Yes", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

a) Parties to previous lawsuit:

Plaintiffs: \_\_\_\_\_

Defendants: \_\_\_\_\_

b) Name of court and docket number \_\_\_\_\_  
\_\_\_\_\_

c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_  
\_\_\_\_\_

d) Issues raised \_\_\_\_\_

e) Approximate date of filing lawsuit \_\_\_\_\_

f) Approximate date of disposition \_\_\_\_\_

- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes ☒ No ☐ . If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought. The Grievance procedure was completely exhausted and Relief was never granted (see Exhibits A+B).

## E. REQUEST FOR RELIEF

- 1) I believe that I am entitled to the following relief:

- ① Injunctive Relief barring the Defendant from housing the Plaintiff at the same facility as Jack Roth, Randall Bowden or Chad Brown.
- ② Nominal Damages of \$1.00

N/A  
Signature of Attorney (if any)

  
Signature of Petitioner

N/A  
(Attorney's full address and telephone number.)

**DECLARATION UNDER PENALTY OF PERJURY**

The undersigned declares (or certifies, verifies, or states) under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. § 1746. 18 U.S.C. § 1621.

Executed at Lawton Correctional Facility August 30<sup>th</sup>, 2005  
(Location) (Date)

(Signature)